

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

639. Misbranding of Santé. U. S. v. 16 Cases of Santé. Default decree of condemnation and destruction. (F. D. C. No. 5089. Sample No. 29413-E.)

On July 9, 1941, the United States attorney for the Southern District of Indiana filed a libel against 16 cases of Santé at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by Dr. W. B. Caldwell, Inc., from Monticello, Ill.; and charging that it was misbranded.

Analysis showed that the article was an alcoholic solution containing in each fluid ounce an iron compound representing approximately 150 milligrams of iron and 800 U. S. P. units of vitamin B₁ per fluid ounce.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that it was an appropriate treatment for nutritional anemia due to dietary deficiencies; that it was an efficacious treatment for pale, underweight women with poor appetite; that it would help the system get over the conditions following colds, grippe, flu; that it would increase personality and stamina, and would help develop the blood, improve the appetite and color and quiet the nerves; would promote assimilation of food and better sleep, and would increase weight; and that it was important to nerves, stomach, and bowels, were false and misleading since it would not be efficacious for such purposes.

On November 17, 1941, the claimant having withdrawn his appearance, judgment of condemnation was entered and the product was ordered destroyed.

640. Misbranding of Vigor-Tex. U. S. v. 20 Cases and 6 Packages of Vigor-Tex (and 1 other seizure against Vigor-Tex). Default decree of condemnation and destruction. (F. D. C. Nos. 4920, 4934. Sample Nos. 47447-E, 47456-E.)

On June 18 and 24, 1941, the United States attorney for the Northern District of Illinois filed libels against 29 cases, each containing 24 packages; 37 cases, each containing 12 packages; and 6 packages of Vigor-Tex at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Kretschmer Corporation from Saginaw, Mich., on or about May 12 and 17, 1941; and charging that it was misbranded.

Examination of the article showed that it consisted of about 42 percent of wheat germ, the remainder consisting essentially of wheat bran and small amounts of starch.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it would be efficacious to build vitality, promote better health, provide the life principle needed for the functioning of all organs; that it would be efficacious to correct low spirits, discouragement, and tiredness, would strengthen the heart muscle and normalize the blood pressure; would cause children to thrive, grow in height and weight, and would improve their appetite and general health; that it would prevent sleeplessness, tiredness, poor heart action, fatigue, indigestion, and gray hair; that it was a preventive and appropriate treatment of constipation, arthritis, neuritis, colitis, colds, simple anemia and pernicious anemia, diabetes, skin blemishes, brittle nails, stomach ulcers, heart trouble, hardening of the arteries, high blood pressure, glandular deficiency, acidosis, underweight and overweight conditions, were false and misleading since it would not be efficacious for such purposes.

On October 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

641. Misbranding of Polly Rich Wheat Germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 6362. Sample No. 83181-E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."

The article was alleged to be misbranded in that the following and similar statements in the labeling, (label) "Contains Vitamins A-B-E-G * * * Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B," and (circular entitled "Polly Rich Wheat Germ contains vitamins A-B-E-G," attached to retail package) "Nature's Own Tonic in Its Pure Virgin Wholeness" * * * The heart or embryo of the grain of wheat is known as 'Wheat Germ'. It is one of the best known sources of Vitamin B (whole complex) and E and is a good source of Vitamin A. It contains iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium, all of which are essential to our mineral economy, in forms which are easily assimilated. Wheat Germ is in truth 'Nature's own health tonic in its pure virgin wholeness,' were false and misleading since they created the impression that wheat germ is a consequential source of vitamins A, B, E, and G and of the minerals iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium; whereas, while wheat germ may be considered as a consequential source of vitamin B and phosphorus, the contribution to the dietary intake of the other vitamins and minerals contained in wheat germ is inconsequential. It was alleged to be misbranded further in that representations in the labeling that it was efficacious in the treatment of a wide variety of diseases and abnormalities of the body, such as secondary anemia, cataracts of the eye, sterility, and alcoholic diseases, were false and misleading since it would not be efficacious for such purposes.

It was also charged to be misbranded under the provisions of the law applicable to foods, as reported in notice of judgment F. N. J. No. 3222.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

642. Misbranding of Diaplex. U. S. v. 97 Packages of Diaplex. Default decree of condemnation and destruction. (F. D. C. No. 5230. Sample No. 7684-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of diabetes. Furthermore, it was a drug but its label failed to bear the common or usual name of such drug.

On July 26, 1941, the United States attorney for the Southern District of California filed a libel against 97 packages of Diaplex at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1941, by Mrs. Alice Pierce from Wellington, Colo.; and charging that it was misbranded.

Analysis showed that the article consisted of the ground or shredded leaves and stems of a species of saltbush such as *Atriplex canescens*.

The article was alleged to be misbranded in that the following statements on the label, "Directions to doctors for those whose blood-sugar count tests 125 mgs. per 100 C. C. or over. Use four heaping tablespoons of Diaplex to the quart of water and * * * an adult should use two quarts of Diaplex tea daily and a child, one, for a period of nine to eighteen months. Diaplex * * * should never lower the blood-sugar below normal. Therefore a great amount is effective. Small doses are worthless for the diabetic. * * * Notice: Warning! persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar reducing the amount of insulin from time to time sufficiently to avoid insulin reaction: But continue the use of Diaplex until you are well and strong," were false and misleading since they created the impression that it would be useful for reducing abnormally high blood-sugar content and as a treatment for diabetes; whereas it was not capable of accomplishing such results. It was alleged to be misbranded further in that it was a drug and its label failed to bear the common or usual name of such drug.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

643. Misbranding of Hicks' Quinine Hair Tonic. U. S. v. 5 1-Gallon Bottles and 6 8-Ounce Bottles of Hicks' Quinine Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 6218. Sample No. 70127-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. The label also failed to bear an accurate statement of the quantity of the contents and the common or usual names of the active ingredients present.